

County of San Diego Department of Public Works, Airports

REVISED
Request for Proposals

“Design, Develop, and Operate a Restaurant Concession
at McClellan-Palomar Airport in Carlsbad, California”



Proposal Due Date: Monday, May 19, 2008 at 5:00pm PT

The date and time proposals are due shall be strictly observed.

COUNTY OF SAN DIEGO
Department of Public Works, Airports
Gillespie Field Administration Building
1960 Joe Crosson Drive
El Cajon, California 92020

Issued April 22, 2008

REVISED REQUEST FOR PROPOSALS

“Design, Develop, and Operate a Restaurant Concession at McClellan-Palomar Airport in Carlsbad, California”

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- Letter of Interest/Business Plan
- Preliminary Design Plan
- Non-refundable Proposal Fee of \$ 250.00 *(waived if Offeror submitted a bid during original Request for Proposals to Design, Develop, and Operate a Restaurant Concession at McClellan-Palomar Airport in Carlsbad, California)*
- Proposer’s Questionnaire
- Airport Lease Economic Terms Form
- Proposed Lease Term and Capital Investment Form
- Offeror’s Disclosure Form
- Disadvantaged Business Enterprises Participation Form
- Acknowledgment of Review and Acceptance of Lease Terms

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INTRODUCTION

The County of San Diego, Department of Public Works, Airports (“County”) is requesting proposals from all interested and qualified Offerors desiring to design, develop, and operate a restaurant concession at the new McClellan-Palomar Airport (“Airport”) terminal building, which is currently under construction.

The purpose of this Request for Proposals (“RFP”) is to provide a format for the evaluation of offers from concessionaires/restaurateurs who have the experience and qualifications necessary to meet the following objectives for a new restaurant concession at the Airport.

Objectives:

- ▶ Provide the highest quality of food and beverage services available through a range of concepts and services that include local and regional flavors and/or national brands with broad customer appeal.
- ▶ Emphasize design and development standards for high-quality, contemporary, attractive, and creative facilities that promote a strong sense of place and reflect the unique culture and character of McClellan-Palomar Airport and San Diego’s North County coastal region, that fit within the Land-Sea Interface Concept Imagery for the Airport, and that complement the architecture of the terminal building.
- ▶ Provide a high level of customer service with a balanced mix of variety and choice of food and beverage products, competitive pricing, friendly service that reflects positively on the community, and clean inviting facilities.
- ▶ Encourage the participation of Disadvantaged Business Enterprises (“DBEs”) wherever practicable for the food and beverage concessions program.
- ▶ Include Leadership in Energy and Environmental Design (LEED) principals in the design, construction, and operation of the restaurant concession.

A Restaurant Lease Agreement may be awarded to the Offeror that submits a proposal that best meets all of the qualifications required by the County as set forth herein and offers the greatest overall benefit to the County.

The documents contained in this Request for Proposals use the terms “proposal” and “offer,” and “Proposer” and “Offeror” interchangeably.

PART 1 – SITE DESCRIPTION

The County of San Diego owns and operates eight general aviation airports. McClellan-Palomar Airport, located in Carlsbad, is a major gateway to and from San Diego's North County (Thomas Guide page 1127, D-2). It provides facilities and services to commercial, corporate, and general aviation communities. It is home to approximately 331 based aircraft, with an estimated 55,765 commercial passengers departing from, and 52,016 commercial passengers arriving at, the terminal in 2006.

The Palomar Airport Terminal Redevelopment Project is the result of combining 10 projects at McClellan-Palomar Airport into one integrated project, with a total construction cost estimate of approximately \$24,000,000. This integrated project includes the following: new terminal building and federal inspection facility, terminal access roads, terminal apron, vehicle parking lots, automated parking lot control systems, passenger movement facilities, airport security system, taxiway Charlie, infield drainage, and blast fence. The entire redevelopment program must be completed in one large project to allow for fully functioning facilities for aircraft parking, passenger handling and passenger access. Plans and specifications for construction are now complete and construction has commenced. The construction project is scheduled for completion in December 2008.

The Palomar Airport Terminal Redevelopment Project will have a restaurant on the eastern end of the terminal. The building shell and exterior will be completed as part of the project. The restaurant will have a 2,481 square foot footprint and feature all glass windows on the indoor dining area that looks onto the open air outdoor dining courtyard of approximately 3,500 additional square feet. The entire restaurant will overlook the runway and aircraft loading area to the north, and will have landside only access in a pre-security area of the terminal building. The proposed Restaurant Premises will include the 2,481-square foot Restaurant footprint and, at the option of Proposer, up to 1,000 square feet of the outdoor dining courtyard adjacent to the Restaurant for up to ten (10) years with an additional 1,000 square feet negotiable for shorter term. This area of the outdoor dining courtyard may be available for use by Proposer for more term but cannot be guaranteed at the time of issuance of this RFP.

Please see Attachment A - Site Location Maps / Restaurant Facility Diagrams for location maps regarding the Airport in general and detailed plans showing the layout of the proposed restaurant concession location.

PART 2 – GUIDELINES AND REQUIREMENTS FOR PROPOSAL SUBMITTAL

The County is looking for an experienced restaurateur to complete the interior build-out, install furnishings/fixtures and operate the restaurant. Proposers are asked to provide preliminary designs that compliment the Concept Imagery of the Palomar Airport Terminal, which calls for a Land-Sea Interface. Targeted customers will include passengers using McClellan-Palomar Airport, those working at the airport, visitors to

Carlsbad and people from the surrounding community looking for a fun airport dining experience. Restaurant Proposers are asked to define the type of operation that they feel will be most successful in this location based on their own knowledge and experience in the field. Additional consideration will be given to proposals that enhance passenger/customer experience and include leadership in energy environmental design (LEED) principals.

Please thoroughly review the materials contained in this Submittal Package. This information will guide you in the preparation of your submittal.

LETTER OF INTEREST/BUSINESS PLAN

This part of your submittal will be a narrative written on your letterhead. This narrative should contain the following elements.

Who You Are

Your letter of interest should identify who you are and present a description of your experience and qualifications to design, develop, and operate a restaurant at the Airport. If you represent a company or other organization, please describe the key individuals that will be involved in the project if you are ultimately selected to design, develop, and operate the restaurant. Include brief biographical statements for these key individuals.

Your Proposal

Your narrative should continue with additional information on your proposal to operate and manage the restaurant at the Airport. You should include information on what food products and services you intend to provide. Information regarding proposed food pricing must be included. Please identify any other permits or staff certification that will be required to operate this business at the Airport. Please include information on training and qualifications for employees.

The following guidelines shall be addressed in all proposals:

- 1) The restaurant shall be open a minimum of eight (8) hours daily, serving breakfast and lunch, and the restaurant must be opened a minimum of 360 days each year unless the Airports Director has provided prior written approval for the closure of the restaurant. Additional points will be awarded during selection for committing to additional hours of service.
- 2) Operator shall make every effort to be open for operation by the opening of the New Terminal Building which is currently targeted for December 2008 (exact date to be determined). A rent credit incentive of \$12,000 shall be granted to the Operator if the restaurant is open for business by the official opening of the New Terminal Building (see Airport Lease Economic Terms Form below).
- 3) Operator shall accept credit cards and the restaurant shall not be closed for private parties without the written permission of the Director of Airports.
- 4) Operator must keep auditable records of sales either on site or elsewhere within the County of San Diego.

- 5) Additional points will be awarded during selection for committing to obtain and maintain in force during the entire term of the lease, the appropriate liquor license from the Alcohol Beverage Control Board to provide beer and wine service for the customers of the leasehold. Operator shall be permitted to obtain a liquor license to provide full liquor service to the customers of the leasehold at Operator's discretion.

Why You and Your Concept Would Be Good for McClellan-Palomar Airport.

Please describe why you think your proposal would be good for the Airport. Please describe any unique benefits of your proposal. Also, include concepts for marketing or events at the Airport to attract aviation customers.

Relevant Experience/Projects

Please describe your relevant past or current experience that qualifies you and/or your organization to succeed in designing, developing, and operating the restaurant.

PRELIMINARY DESIGN PLAN

The design for the restaurant concession location is critical to the success of the overall food and beverage program. Concessionaires are encouraged to use creativity in developing a restaurant design that accentuates the dominant theme of the food and beverage concept, while complimenting the Land-Sea Interface Concept Imagery for the Airport and the architecture of the Terminal Building. Design concepts should emphasize high-quality, contemporary, attractive, and creative facilities that promote a strong sense of place and reflect the unique culture and character of McClellan-Palomar Airport and San Diego's North County coastal region.

Each Proposer shall prepare an illustrative design concept and the design concept must be submitted with the Proposal as a requirement of this RFP. At a minimum this component of the RFP shall include a Basic Plan Concept with written description of intended design, actual or digital samples of proposed construction materials, and a simple artist rendition of the proposed design. The County of San Diego is committed to improving the health of its citizens, increasing the production and the use of renewable and non-polluting energy sources, reducing the volume of waste, increasing the use of recycled materials, conserving water, reducing CO2 emissions and encouraging the construction of facilities at County Airports that follow leadership in energy and environmental design (LEED) principals and utilize the most recent green building technologies and materials, wherever practicable.

NON-REFUNDABLE PROPOSER'S FEE

As a show of good faith interest in this Request for Proposals, Offeror shall submit a non-refundable Proposer's Fee of \$250.00, with the completed Proposal Package. This non-refundable Proposer's Fee shall be waived if Offeror submitted a bid during the original Request for Proposals to Design, Develop, and Operate a Restaurant Concession at McClellan-Palomar Airport in Carlsbad, California, issued on December 1, 2007.

PROPOSER'S QUESTIONNAIRE

In addition to the above documents, please complete the enclosed Proposer's Questionnaire. This is a very important part of your submittal for purposes of evaluating your qualifications. The first part of this questionnaire deals with personal information about you, and members of your organization. Please complete the appropriate sections that apply to you and your organization (i.e. sole proprietorship, partnership, corporation, or limited liability company). Please provide the business references requested. Please fill in the requested financial data completely, and attach the required forms or exhibits. In the sections dealing with your proposed method of operation and experience statement, you may refer to your narrative if the information requested has been provided there.

The submittal of a complete and detailed Proposer's Questionnaire will enable County Airports' staff to evaluate your qualifications in the best possible light. Please note that the confidentiality of the information you submit cannot be guaranteed because, under the Freedom of Information Act, all government records are potentially accessible by the public. This fact notwithstanding, County Airports staff will, within the legal limits of its administrative control, strive to protect the confidentiality of all personal and financial information submitted in connection with this RFP, and will use this information only for the purposes intended.

AIRPORT LEASE ECONOMIC TERMS FORM

The Proposer should propose economic terms for a Lease by completing the attached Airport Lease Economic Terms Form. With the exception of up to a maximum of \$144,000 in rent credits for approved capital improvements as further described below, the County shall not be responsible for any fees associated with required design and build-out of, or modifications or repairs to, the facility and the issuance of any required permits directly tied to designing, developing, or operating the restaurant. The selected Proposer (Lessee) will be responsible for all fees and taxes associated with the design, development, operation and management of the restaurant.

Available Rent Credits to Offset Approved Capital Improvement Costs

County shall grant Operator up to a maximum of \$144,000 in rent credits, for Approved Capital Improvements, to be phased out over a period of years, with the most substantial rent credit being realized by Operator in the first years of the proposed Lease. An additional Rent Credit Incentive of \$12,000 shall be granted to the Operator if the restaurant is open for business by the opening of the New Terminal Building, scheduled for December 2009. An example of such a rent credit schedule, based on the Minimum Monthly Guarantee of rent, and assuming the rent credit incentive date is met, would be as follows:

Sample Rent Credit Schedule		
Year 1	Up to 90% of rent due (\$2250 x 12)	\$27,000
Year 2	Up to 90% of rent due (\$2250 x 12)	\$27,000
Year 3	Up to 90% of rent due (\$2250 x 12)	\$24,000

Year 4	Up to 90% of rent due (\$2250 x 12)	\$21,000
Year 5	Up to 90% of rent due (\$2250 x 12)	\$18,000
Year 6	Up to 90% of rent due (\$2250 x 12)	\$15,000
Year 7	Up to 90% of rent due (\$2250 x 12)	\$12,000
Year 8 (if incentive met)	Up to 90% of rent due (\$2250 x 12)	\$12,000
Total Available Rent Credit (including incentive credit):		\$156,000

Approved Capital Improvements shall include the costs actually expended by Operator to install any Improvement, such as flooring, plumbing, electrical, and fixtures, which as part of the building will revert to County ownership at the termination of the Lease. Such costs may include: costs of preparing space plans, construction plans, final plans and working drawings; costs of labor; costs of equipment and material; contractor's field overhead and engineering fees; costs of governmental permits and plan-check fees; testing and inspection costs; sales and use taxes (but not real property taxes); and other costs directly related to the construction of the Improvements. Other than as set forth above, Operator's costs shall not include any profit, fee or compensation to Operator, interest on Operator's construction financing or construction loan fees, if any, leased trade fixtures, operating expenses, supplies, dishes, tables and chairs, or similar type expenses. Operator's investment in such approved capital improvements must be validated by County for Operator to receive the rent credit, and any percentage rent owed to County over and above the rent credit granted will still be due and payable according to the terms of the proposed Lease.

PROPOSED LEASE TERM AND CAPITAL INVESTMENT FORM

The Offeror should propose their requested term for a Lease and provide County with an estimate of their proposed capital investment by completing the attached Proposed Lease Term and Capital Investment Form. County recognizes that lease term should be sufficient to allow Proposer to amortize the expense of construction of the proposed tenant improvements over the life of the lease. The preferred initial lease term is ten (10) years, but County is willing to consider a longer term if warranted by the amount of the proposed investment by Operator in Approved Capital Improvements. Subsequent lease(s) for additional term may be granted to a successful Operator without revisiting the competitive process.

OFFEROR'S DISCLOSURE FORM

In addition, Proposer shall be required to complete and submit, as part of the proposal package, the Offeror's Disclosure Form which is attached hereto.

DISADVANTAGED BUSINESS ENTERPRISES GENERAL INFORMATION

The County of San Diego may be required to establish an Airport Concession Disadvantaged Business Enterprise ("ACDBE") program for McClellan-Palomar Airport, and as part of its federally approved FAA ACDBE Program, and in accordance with 49 CFR Part 23, will include a Disadvantaged Business Enterprise ("DBE") participation goal for non-car rental concessions.

Based on the nature of the services to be provided by the successful Offeror regarding this RFP, the County of San Diego has determined that a race-neutral measure (refer to Part 6 Disadvantaged Business Enterprises Participation Form included in this RFP) will be a part of this RFP, in accordance with 49 CFR Part 26.51(b). The successful Offeror is, therefore, strongly encouraged to make a good faith effort to promote DBE participation in the restaurant concession by using the services of Small Business Enterprises (SBE)/ Women Business Enterprises (WBE)/ and certified DBE's whenever practicable. Race-neutral measure means a program that is, or can be, used to assist all small businesses. For purposes of this section, race-neutral includes gender-neutrality.

The concession Lease Agreement resulting from this RFP may be subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The successful Offeror agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.

The successful Offeror agrees to include the above statements in any subsequent concession sublease or contract covered by 49 CFR Part 23, that it enters into and shall cause those businesses to similarly include the statements in further agreements.

DISADVANTAGED BUSINESS ENTERPRISES PARTICIPATION FORM

On the attached Disadvantaged Business Enterprises Participation Form (included in this RFP), describe the extent of DBE participation in the areas of responsibility pertaining to the design, development, and operation of Offeror's proposed restaurant concession. DBE participants may include joint ventures, limited liability companies, partners, sublessees, and licensees.

Attach to your proposal a Disadvantaged Business Enterprises Participation Form for each DBE included in your proposal and copies of all agreements, subleases, or other documentation, actual or proposed, that is the basis for the business relationship between Offeror and DBE participants. **NOTE: Offerors are required to take all necessary and reasonable steps to encourage the participation of Disadvantaged Business Enterprises wherever practicable, as explained in the preceding section of this RFP (DBE General Information).**

ACKNOWLEDGMENT OF REVIEW AND ACCEPTANCE OF LEASE TERMS

Proposer shall be required to complete and submit, as part of the proposal package, the Acknowledgment of Review and Acceptance of Lease Terms Form which is attached hereto. A copy of the Proposed Restaurant Lease has been included as an attachment to this RFP package.

PART 3 – SELECTION PROCESS AND EVALUATION CRITERIA

Selection Process

County Airports' staff will review all proposals, conduct reference checks, make any necessary follow up inquiries, and may select a Proposer with which to negotiate the final terms of an Airport Restaurant Lease, or the County may reject all proposals. County reserves the right to select a short-list of top-ranked Proposers, based on the initial response, and to request from those Proposers more detailed proposals before making a selection of the successful Proposer, if any.

The County may schedule and conduct an oral interview and receive presentations from the top-ranked (short-listed) Proposers, to determine the selected Proposer and rank order of proposals. Failure to appear for an interview will be grounds for disqualification from further consideration. The County reserves the right to award the lease without holding oral presentations/interviews, should the rating panel find this step unnecessary.

This RFP does not commit the County to award a Lease, to pay any costs incurred in the preparation of proposals, or to procure or contract for services or supplies. The County reserves the right to accept or reject any and all proposals received as a result of the RFP, to negotiate with any experienced and qualified Proposer, and to modify or cancel in part or in its entirety this RFP if it is in the best interest of the County. The County may choose to negotiate outside this competitive process if a qualified, responsive proposal is not received.

Evaluation Criteria

Proposals will be evaluated based upon several criteria, including experience, proposed facilities design, method of operation and management, rent and proposed menus.

EVALUATION CRITERIA

The contract resulting from this RFP will be awarded to that responsible Proposer whose offer, while conforming to the requirements of the RFP, is determined to be the most advantageous to San Diego County Airports. The proposal shall contain a complete response to each of the areas identified below.

1.	Business Proposal	40 POINTS
	a) Hours of Operation	
	b) Services Offered	
	c) Proposed Pricing Methods	
	d) Method of Operation	
	e) Customer Service	
	f) Thoroughness of Planning	
	g) Marketing to Aviation Users	
2.	Preliminary Design Plan	35 POINTS
	a) Written Design Concept	
	b) Materials Samples	
	c) LEEDS principals	
	d) Artist Renderings	
	e) Land-Sea Concept Imagery	
3.	Revenue Sharing	35 POINTS
	a) Minimum Monthly Guarantee of Rent	
	b) Proposed Percentage Rent	
4.	Experience	15 POINTS
	a) Similar Business Experience	
	b) References	
5.	Financial strength	10 POINTS
	a) Capital Strength	
	b) Credit History	
	c) Realistic Projections	
6.	Extra Points	15 POINTS
	a) Local Flavor / National Brand Appeal	
	b) Liquor License	
	c) Miscellaneous	
	d) Extended Hours of Operation	
Total Possible		150 POINTS

Although Disadvantaged Business Enterprise ("DBE") participation is not included in the Evaluation of Offers, a Disadvantaged Business Enterprises Participation Form must be completed and signed by the selected Operator.

PART 4 – AIRPORT RESTAURANT LEASE AGREEMENT

Proposed Airport Restaurant Lease

If a proposal is selected through this RFP process, the successful Proposer agrees to accept the terms of the attached Airport Restaurant Lease. County may, at County's sole discretion, consider modest changes to the Lease document as requested by Proposer on the Acknowledgment of Review and Acceptance of Lease Terms Form to be submitted as part of this RFP package.

The Offeror should propose their requested term for a Lease and provide County with an estimate of their proposed capital investment by completing the attached Proposed Lease Term and Capital Investment Form. County recognizes that lease term should be sufficient to allow Proposer to amortize the expense of construction of the proposed tenant improvements, not covered by rent credits over the life of the lease. County recommends a lease term of ten (10) years, but is willing to consider a longer term if warranted by substantial amount of proposed investment by Operator in Approved Capital Improvements (as defined on page 8), over and above any rent credits granted by County.

Proposed Restaurant Lease Agreement

This RFP package includes a proposed Airport Restaurant Lease Agreement. It is the Proposer's responsibility to determine if any additional permits are necessary for the operation of the restaurant. Except as provided for by the above described available rent credits, the County shall not be responsible for any fees associated with the issuance of any required permits directly tied to designing, developing, and operating the restaurant. Additionally, the selected Proposer for the restaurant facilities will be responsible for all fees and taxes associated with the day-to-day operation and management of the restaurant. In addition, note the insurance requirements in the lease which will be the responsibility of the selected Proposer.

The proposed Restaurant Lease terms shall not be construed as a binding agreement until transferred to a formal, written contract and approved by the County Board of Supervisors ("Board").

PART 5 - SUBMITTAL

Proposals must be submitted in a format following the outline of this RFP and must include all of the required elements as described below and in the following section (PART 6 – Submittal Checklist and Required Proposal Forms). Proposals presented in any other format may be considered non-responsive and may be rejected. The proposal must be signed with the name and title of the person duly authorized to sign the offer. Proposals received after the time fixed for receiving them may not be considered. Late proposals may be returned to the Proposer unopened.

Each proposal shall be delivered to San Diego County Airports, Gillespie Field, Real Property Department, 1960 Joe Crosson Drive, El Cajon, CA 92020-1236,

ATTN: Lee Ann Lardy, on or before 5:00 pm PT, on Monday May 19, 2008. The proposal documents submitted shall be enclosed in a sealed envelope bearing the RFP title (i.e., Request for Proposals, "Design, Develop, and Operate a Restaurant Concession at McClellan-Palomar Airport in Carlsbad, California"), and the name and location of the place of business of the Proposer. It is the sole responsibility of the Proposer to see that the proposal is received on time.

Summary for Submitting a Proposal

Proposals will be submitted on the forms provided with this RFP. Each submittal **must** contain the following completed documents:

- Letter of Interest/Business Plan
- Preliminary Design Plan for Restaurant Facilities
- Non-refundable Proposal Fee of \$250.00 (unless previously submitted)
- Proposer's Questionnaire
- Airport Lease Economic Terms Form
- Proposed Lease Term and Capital Investment Form
- Offeror's Disclosure Form
- Disadvantaged Business Enterprises Participation Form
- Acknowledgment of Review and Acceptance of Lease Terms

Proposals are due by 5:00 pm PT, on Monday May 19, 2008, and must be delivered to:

COUNTY OF SAN DIEGO – AIRPORTS
1960 Joe Crosson Drive
El Cajon, CA 92020-1236
Attn: Lee Ann Lardy

Basis for Selection

The basis of selection of the successful Proposer, if any, will conform to the "Evaluation Criteria" described above.

Recommendation for Award or Rejection of Proposals

The County of San Diego reserves the right to reject any and all proposals and to waive any formality in the proposals received. Airports staff will review all proposals and: (i) select a successful Proposer, (ii) select a short list of top ranked Proposers and request more detailed proposals from those candidates, (iii) reject all proposals, or (iv) negotiate outside this competitive process if a qualified, responsive proposal is not received. Following selection of a successful Proposer, if any, Airports' staff will execute an Airport restaurant Lease with the successful Proposer, contingent upon approval by the San Diego County Board of Supervisors.

Selection without Discussion

Proposers are cautioned that any selection hereunder may be effected without discussion. Each Proposer should present its best offer to County Airports.

Withdrawal of Proposals

Any Proposer may withdraw its offer by written request at any time prior to the selection of the successful Proposer by Airports' staff.

PART 6 – SUBMITTAL CHECKLIST / REQUIRED PROPOSAL FORMS

All forms described or provided in this Part 6 must be completed in full and submitted with each Proposal.

OFFEROR'S CHECKLIST

Checklist of items to be completed and submitted with Proposal. The following forms and questionnaires are to be completed in full, fully executed, signed, and included as part of the Proposal you submit:

- ☐ Letter of Interest/Business Plan
- ☐ Preliminary Design Plan
- ☐ Non-refundable Proposal Fee of \$250.00 (unless previously submitted)
- ☐ Proposer's Questionnaire
- ☐ Airport Lease Economic Terms Form
- ☐ Proposed Lease Term and Capital Investment Form
- ☐ Offeror's Disclosure Form
- ☐ Disadvantaged Business Enterprises Participation Form
- ☐ Acknowledgment of Review and Acceptance of Lease Terms

LETTER OF INTEREST / BUSINESS PLAN

See description of what is to be contained in this document in PART 2 of this RFP (GUIDELINES AND REQUIREMENTS FOR PROPOSAL SUBMITTAL) above.

PRELIMINARY DESIGN PLAN

See description of what is to be contained in this document in PART 2 of this RFP (GUIDELINES AND REQUIREMENTS FOR PROPOSAL SUBMITTAL) above.

NON-REFUNDABLE PROPOSAL FEE OF \$250.00

If required, payment may be made in the form of check or money order only. County Airports cannot accept credit card payment. Please do not remit cash. Make check or money order payable to County of San Diego, Airports and reference CRQ Restaurant RFP fee on the check stub. Remit payment at the time of submitting Proposal.

PROPOSER'S QUESTIONNAIRE

The Proposer must complete and submit part A1, A2, or A3 of the following Proposer's Questionnaire as applicable to their business (Sole Proprietorship/Small Business/Trust,

Limited Liability Company, or Corporation) and Proposer shall also complete and submit parts B, C, D, and E and sign the statement where indicated.

Completion of this Proposer's Questionnaire is necessary to provide County staff with sufficient information about the Proposer to make a considered recommendation to the County's Board of Supervisors.

A Restaurant Ground Lease Agreement at McClellan-Palomar Airport in Carlsbad, California, shall not be considered until all the information requested in this Questionnaire is received. Statements must be complete and accurate. Omission, inaccuracy, or misstatement shall be cause for rejection.

PROPOSER'S QUESTIONNAIRE

PART A.1

(TO BE COMPLETED BY SOLE PROPRIETORSHIP / SMALL BUSINESS / TRUST)

Completion of this Proposer's Questionnaire is necessary to provide County staff with sufficient information about the Proposer to make a considered recommendation to the County's Board of Supervisors.

A Restaurant Ground Lease Agreement at McClellan-Palomar Airport in Carlsbad, California, shall not be considered until all the information requested in this Questionnaire is received. Statements must be complete and accurate. Omission, inaccuracy, or misstatement shall be cause for rejection.

Name of Proposer exactly as it will appear on the Lease: 1.		
Full Name and other Names or Aliases of Proposer: 2.		
Telephone: 3.		
Business Address: 4.		
Business Phone: 5.	Business Fax: 6.	
Residence Address: 7.	How Long: 8.	
Present Position or Title: 9.		
Date of Birth: 10.	Place of Birth: 11.	
Spouse's Name: 12.		
Spouse's Date and Place of Birth: 13.		

PROPOSER'S QUESTIONNAIRE
PART A.2
(TO BE COMPLETED BY LIMITED LIABILITY COMPANY - LLC)

Completion of this Proposer's Questionnaire is necessary to provide County staff with sufficient information about the Proposer to make a considered recommendation to the County's Board of Supervisors. **A Questionnaire must be provided for each member of the LLC.**

A Restaurant Ground Lease Agreement at McClellan-Palomar Airport in Carlsbad, California, shall not be considered until all the information requested in this Questionnaire is received. Statements must be complete and accurate. Omission, inaccuracy, or misstatement shall be cause for rejection.

Name of LLC exactly as it will appear on the Lease: 1.		
Full Name and other Names or Aliases of Member: 2.		
Telephone: 3.		
Business Address: 4.		
Business Phone: 5.	Business Fax: 6.	
Residence Address: 7.	How Long: 8.	
Present Position or Title: 9.		
Date of Birth: 10.	Place of Birth: 11.	
Spouse's Name: 12.		
Spouse's Date and Place of Birth: 13.		

LIMITED LIABILITY COMPANY STATEMENT

1. State of Filing: _____
2. Date of Filing with Secretary of State: _____
Enclose copy of filing and any operating agreement or supporting documentation.
3. Has the LLC transacted business in the County of San Diego, California?
Yes () No () If yes, state most recent date: _____
4. Name, address and title(s) of the manager(s), if any:

<u>Name</u>	<u>Address</u>	<u>Title(s)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Name, address and share of each member:

<u>Name/Title(s)</u>	<u>Address</u>	<u>Share %</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PROPOSER'S QUESTIONNAIRE
PART A.3
(TO BE COMPLETED BY CORPORATION)

Completion of this Proposer's Questionnaire is necessary to provide County staff with sufficient information about the Proposer to make a considered recommendation to the County's Board of Supervisors. **A Questionnaire must be provided for each corporate officer (President, Vice-President, Secretary, and Treasurer) and for each Director holding 10% or more of the issued stock.**

A Restaurant Ground Lease Agreement at McClellan-Palomar Airport in Carlsbad, California, shall not be considered until all the information requested in this Questionnaire is received. Statements must be complete and accurate. Omission, inaccuracy, or misstatement shall be cause for rejection.

Name of Corporation exactly as it will appear on the Lease: 1.		
Full Name and other Names or Aliases of Officer () and/or Director (): 2.		
Telephone: 3.		
Business Address: 4.		
Business Phone: 5.	Business Fax: 6.	
Residence Address: 7.	How Long: 8.	
Present Position or Title: 9.		
Date of Birth: 10.	Place of Birth: 11.	
Spouse's Name: 12.		
Spouse's Date and Place of Birth: 13.		

CORPORATION STATEMENT

1. State of incorporation: _____
2. Date of incorporation: _____
3. Is the corporation authorized to do business in the State of California?
Yes () No () If yes, as of what date: _____
4. The corporation is held: Publicly () Privately ()
5. If publicly held, how and where is the stock traded? _____

-
6. List the following:

	Authorized	Issued	Outstanding
(a) No. of Voting Shares:	_____	_____	_____
(b) No. of Non-voting Shares:	_____	_____	_____
(c) No. of Shareholders:	_____	_____	_____
(d) Value per share of Common Stock:			
Par \$	_____		
Book \$	_____		
Market \$	_____	As of	_____/_____/_____

7. Name, address and share of each member:

<u>Name/Title(s)</u>	<u>Address</u>	<u>Share %</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

REFERENCES
PART B
(TO BE COMPLETED BY ALL PROPOSERS)

List four persons or firms with whom the Proposer has conducted business transactions during the past three years. At least two of the references named are to have knowledge of the Proposer's debt payment history. At least one reference must be a bank or lending institution with whom the Proposer is presently conducting business.

REFERENCE NO. 1

Name: _____ Telephone: _____

Firm: _____

Title: _____

Address: _____

Nature and magnitude of purchase, sale, loan, business association, etc.:

REFERENCE NO. 2

Name: _____ Telephone: _____

Firm: _____

Title: _____

Address: _____

Nature and magnitude of purchase, sale, loan, business association, etc.:

REFERENCE NO. 3

Name: _____ Telephone: _____

Firm: _____

Title: _____

Address: _____

Nature and magnitude of purchase, sale, loan, business association, etc.:

REFERENCE NO. 4

Name: _____ Telephone: _____

Firm: _____

Title: _____

Address: _____

Nature and magnitude of purchase, sale, loan, business association, etc.:

FINANCIAL DATA
PART C
(TO BE COMPLETED BY ALL PROPOSERS)

FINANCIAL STATEMENT

Attach a complete report, prepared in accordance with good accounting practice, reflecting the Proposer's current financial condition. The report must include a balance sheet and income statement. The Proposer must be prepared to substantiate all information shown.

PROPOSED METHOD OF FINANCING DEVELOPMENT

Development at the County's McClellan-Palomar Airport, to which this proposal relates, shall be financed in the following manner:

METHOD OF OPERATION AND EXPERIENCE STATEMENT
PART D
(TO BE COMPLETED BY ALL PROPOSERS)

PROPOSED METHOD OF OPERATION (DESCRIBE)

EXPERIENCE STATEMENT

Enumerate in detail the duration and extent of the Proposer's business experience with special emphasis upon experience with business of the type to which this proposal relates. Also enumerate in detail the pertinent experience of the persons who will be directly involved in design, development, operation and management of the business to which this proposal relates.

OTHER DATA AND ACKNOWLEDGEMENT
PART E
(TO BE COMPLETED BY ALL PROPOSERS)

OTHER INFORMATION

Please provide any other information, which the Proposer feels will be helpful in evaluating the Proposer's ability to successfully design, develop and operate restaurant facilities at McClellan-Palomar Airport.

The Proposer acknowledges and agrees that the County has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in this Questionnaire, and authorizes the release to County of any and all information sought in such inquiry or investigation.

Date: _____

Signed: _____

Title: _____

AIRPORT LEASE ECONOMIC TERMS FORM

The Proposer should propose economic terms for a Lease. Except as available in the form of rent credits as described above, the County shall not be responsible for any fees associated with designing, developing, and operating the restaurant facility, required repairs to the facility, or the issuance of any required permits directly tied to designing, developing, and operating the restaurant. The selected Proposer (Lessee) will be responsible for all fees and taxes associated with the day-to-day operation and management of the restaurant.

Fee Proposal:

Minimum Monthly Guarantee (MMG)

Please propose a minimum monthly guarantee (MMG) of rent for a Lease in the event you are selected as the successful Proposal. The MMG for each month must meet or exceed \$2,500.00. County, however, is willing to grant rent credits against this amount in the first years of the proposed Lease as described in this Request For Proposals package.

Minimum Proposed: \$_____ per Month

The final terms of the Airport Lease will be negotiated between the selected Proposer and Airports' staff, subject to review and approval by the County Board of Supervisors of the County of San Diego.

Percentage Rent

In addition to the MMG (base rent) described above, County is seeking to receive a percentage of gross income generated by the restaurant concession. Please propose percentage rent figures in Column 2 below for the food/beverage categories listed. These percentages must meet or exceed the minimum percentages set forth below in Column 1. County may negotiate other fees with the selected Proposer for additional services such as valet, merchandise concessions, etc.

Food/Beverage Category	Column 1 Minimum %	Column 2 Proposed %
Food and Non-Alcoholic Beverages	3%	_____
Alcoholic Beverages	5%	_____
Aviation Catering Services	3%	_____
Other Uses Pre-Approved by County (e.g., banquets or off-site catering)	10%	_____
Vending Machines, Telephones, or Any Other Pay for Service Type Devices	12.5%	_____
Uses Not Pre-Approved by County	20%	_____

PROPOSED LEASE TERM AND CAPITAL INVESTMENT FORM

The Offeror should propose the length of term desired for the Restaurant Lease, should they be selected as the successful Proposer. County recognizes that lease term should be sufficient to allow Proposer to amortize the expense of construction of the proposed tenant improvements over the life of the lease. County recommends a lease term of ten (10) years, but is willing to consider a longer term if warranted by the amount of the proposed investment to be made by Offeror in Approved Capital Improvements.

Lease Term Proposal:

Please propose the length of term desired for the Restaurant Lease in the event you are selected as the successful Proposal. The proposed lease term should be between ten (10) and twenty (20) years. County recommends a lease term of ten (10) years unless warranted by substantial amount of proposed investment by Operator in Approved Capital Improvements, over and above any rent credits granted by County.

Proposed Lease Term: _____ years.

Capital Investment Proposal:

The final terms of the Airport Lease will be executed between the selected Proposer and Airports' staff, subject to review and approval by the County Board of Supervisors of the County of San Diego. Minimum required investment in Approved Capital Improvements shall be set forth in the Restaurant Lease Agreement and shall be based on the Proposer's best estimate of the expense which will be incurred in the interior build-out of the Restaurant facilities. Please propose the amount of capital investment which you intend to make in the Premises in the event you are selected as the successful Proposer.

Proposed Capital Investment: \$ _____

The proposed capital investment above includes costs associated with the following construction expenses (provide general description of expense categories for Approved Capital Improvements which will revert to County ownership upon termination of the proposed Lease): _____

OFFEROR'S DISCLOSURE FORM

GENERAL INFORMATION. The Offeror hereby certifies that all statements and all answers to questions herein are true and correct to the best of its knowledge and belief. Statements must be complete, accurate and in the form requested. County reserves the right to confirm and request clarification of all information provided. Incomplete disclosures may deem Offeror's Proposal to be non-responsive by County, and the Proposal may be rejected and returned.

Offeror Name: _____

Address: _____

City: _____ **State:** _____ **ZIP:** _____

Telephone No.: () _____ **FAX Number:** () _____

E-Mail Address: _____

Disclose the name of each officer, director, principal, and owner of each proposing entity and/or shareholder who owns or controls five percent (5%) or more of the business entity. This page may be photocopied if additional space is required. The individuals listed below are disclosed as having the noted relationship with the business entity/Offeror listed above. Show appropriate letter in the box to the left.

KEY:	A=Officer	E=Controller of 5% or more of stock
	B=Director	F=Spouse
	C=Principal	G=Child under the age of 18
	D=Owner	

- | | |
|-----------------------------|------------------------------|
| 1. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 2. <input type="checkbox"/> | 8. <input type="checkbox"/> |
| 3. <input type="checkbox"/> | 9. <input type="checkbox"/> |
| 4. <input type="checkbox"/> | 10. <input type="checkbox"/> |
| 5. <input type="checkbox"/> | 11. <input type="checkbox"/> |
| 6. <input type="checkbox"/> | 12. <input type="checkbox"/> |

CERTIFICATION: I hereby certify that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and if requested by the County will provide, within ten (10) days of notice, the necessary documents to substantiate the information provided on this form.

Name: _____ **Title:** _____

(CORPORATE SEAL)

Dated: _____

DISADVANTAGED BUSINESS ENTERPRISES PARTICIPATION FORM

A. **SUBMIT** this form with your proposal.

B. **INSTRUCTIONS:**

1. This form **must** be completed, signed and submitted by **all** Offerors with their Proposal to Design, Develop, and Operate a restaurant concession at McClellan-Palomar Airport. Offerors must make good faith efforts to encourage Disadvantaged Business Enterprises (DBE's) to participate in the restaurant concession that is the basis of this RFP. The Offeror can meet this requirement in one of three ways: **First**, if the Offeror is itself a certified DBE; **second**, documenting commitments for participation by certified DBE firms; or **third**, documenting good faith efforts.
2. In the event the Offeror qualifies as a DBE as defined below, please provide DBE Certificate or Control Number (DBE Part 1 below).
3. All addresses provided must be complete street addresses. Post Office box numbers shall not be considered. All phone numbers provided must be current.
4. Submit supplemental pages if the number of entries provided under each item of information is insufficient.

C. **DISADVANTAGED BUSINESS ENTERPRISES (DBE)** means a for-profit small business concern that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more such individuals; and whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it and has been duly certified in the state in which they do business.

D. **GOOD FAITH EFFORTS** means efforts to encourage participation by DBE's to the greatest extent practicable or to meet any requirement of an established DBE program, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirements. Evidence of good faith efforts include the names, addresses and current telephone numbers of DBE's that were considered, and evidence as to why agreements could not be reached for DBE's to participate in the program.

E. **THE SAN DIEGO METROPOLITAN AREA** means the following California Counties: San Diego, Imperial, Orange, Riverside, and San Bernardino **for purposes of this form only**.

F. **A DBE PARTICIPANT** is a business that has a direct area of responsibility in the design, development, and operation of a food and beverage concession.

PART I – OFFEROR ITSELF IS A DBE

If Offeror is a DBE, please provide your DBE Certificate/Control No.: _____

PART II – OFFEROR OBTAINED DBE PARTICIPATION

FOR EACH DBE PARTICIPANT, PROVIDE THE FOLLOWING INFORMATION CONTAINED IN SECTIONS 1 THROUGH 7 OF THIS FORM (use additional sheets as necessary)

1. DBE Participant Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Email Address: _____ DBE Certificate/Control No.: _____

2. Describe the business relationship between the Offeror and the DBE Participant:

_____ Partnership

_____ Joint Venture

_____ Sublessee

_____ Limited Liability Company (LLC)

Other _____

Date of formation of the business relationship with DBE Participant: _____

NOTE: Attach to this DBE Form, the agreement, sublease or other documentation (actual or proposed) that is the basis for the business relationship between Offeror and the DBE Participant.

3. Area of direct responsibility of the DBE Participant for the design, development, and operation of the restaurant concession if your Proposal is accepted: _____

4. The type of business experience that will be provided by the DBE Participant: _____

5. Names, street addresses, and current phone numbers of all businesses operated by the DBE Participant in the San Diego Metropolitan Area:

DBE Participant's Business Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Email Address: _____

6. Names, residential addresses, and current phone numbers for each owner of the DBE Participant that is domiciled and resides in the San Diego Metropolitan Area. Please indicate percent of ownership:

Owner's Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

7. Names, addresses, and current phone numbers for all business entities other than individuals listed above with an ownership interest in the DBE Participant. Please indicate percent of ownership:

Business Entities w/ Ownership Interest: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Email Address: _____ Percentage Ownership: _____

PART III – OFFEROR’S GOOD FAITH EFFORTS TO OBTAIN DBE PARTICIPATION

FOR EACH DBE CONTACTED BUT WHO WAS UNABLE TO PARTICIPATE, PROVIDE THE FOLLOWING INFORMATION (use additional sheets as necessary):

Name of DBE Entity: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Type of Business Operated: _____

Contact: _____ DBE Certificate/Control No.: _____

Reason this entity was unable to participate: _____

Name of DBE Entity: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Type of Business Operated: _____

Contact: _____ DBE Certificate/Control No.: _____

Reason this entity was unable to participate: _____

Name of DBE Entity: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No. (____) _____ Fax No. (____) _____

Type of Business Operated: _____

Contact: _____ DBE Certificate/Control No.: _____

Reason this entity was unable to participate: _____

CERTIFICATION: I hereby certify that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and if requested by the County will provide, within ten (10) days of notice, the necessary documents to substantiate the information provided on this form.

Name: _____ Title: _____

(CORPORATE SEAL)

Dated: _____

ACKNOWLEDGMENT OF REVIEW AND ACCEPTANCE OF LEASE TERMS

GENERAL INFORMATION. The Proposer hereby certifies that it has thoroughly reviewed the attached Proposed Restaurant Lease Agreement and that, in the event it is selected as the successful Proposer, it will accept the terms of the proposed lease with the following exceptions:

Please note that the following sections of the Proposed Restaurant Lease will not be subject to change at the request of Proposer: Possession and Use, Security, Environmental and ALP Compliance, Indemnification and Insurance, Hazardous Materials, Nondiscrimination, Affirmative Action Program, and Waiver of Relocation Assistance Benefits.

The proposed Restaurant Lease terms shall not be construed as a binding agreement until transferred to a formal, written contract and approved by the County Board of Supervisors ("Board").

CERTIFICATION: I hereby certify that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and if requested by the County will provide, within ten (10) days of notice, the necessary documents to substantiate the information provided on this form.

Name: _____ **Title:** _____

(CORPORATE SEAL)

Dated: _____